

### **REMARKS**

Applicants have submitted amendments to the claims that are believed to place the application in condition for allowance. Applicants acknowledge that these amendments are being made after final rejection and that entry of amendments after final are made at the Examiner's discretion. The amendments to the claims are believed to be responsive to the Examiner's most recent rejections in the present Official Action, and applicants believe the amendments put the claims in condition for allowance, or in better form for appeal.

#### Claim Objections

Claim 26 is objected to for being a substantial duplicate of claim 17. Claim 26, 27 and 29-30 have been canceled rendering the objection to those claim moot.

Claims 14 and 16 have been amended as suggested by the Examiner to remove the objections to those claims. In particular, claim 14 has been amended to insert the phrase " at least one of " after "comprising" and the dependency of claim 16 has been changed from "15" to "14".

The amendments are believed to address the objections raised against claims 14-17 and 18-23.

#### Claim Rejections under 35 USC 101

Claim 1 stands rejected under 35 USC 101 as being directed to nonstatutory subject matter. Applicants respectfully traverse the Examiner's statement that an isolated microorganism is not a substantially pure entity that is produced through the "hand of man". However, to advance the prosecution of the present application applicants have amended claim 1 as suggested by the Examiner to state that the microorganism is "biologically pure". Withdrawal of the rejection of claim 1 based on 35 USC 101 is respectfully requested.

Claim Rejections under 35 USC 102 & 103

Claims 25-27 and 29-30 stand rejected under 35 USC 102 as being anticipated by, or in the alternative as obvious over, Stern et al. The Examiner notes that Stern et al teach a product produced by *Lactobacillus salivarius* which performs the identical function as claimed by the method of claims 25-27 and 29-30. Applicants respectfully traverse the Examiner's objection, however to advance the prosecution applicants have canceled claims 26-27 and 29-30 render the rejection to those claims moot. Furthermore claim 25 has been amended to remove the reference to "or a product produced by said bacteria" as suggested by the Examiner. Accordingly, claim 25 has been limited to a method of inhibiting the growth of an enteropathogenic bacteria by contacting the enteropathogenic bacteria with the novel strains disclosed in the present application. The amendment of claim 25 is believed to overcome the rejections of that claim under 35 USC 102 and 103 and applicants respectfully request the withdrawal of that rejection.

Applicants believed the claims are in condition for allowance and respectfully request passage of the application to issuance. If the Examiner has any questions or comments such that a conversation would speed prosecution of this application, the Examiner is invited to call the undersigned at (434) 220-2866.

Respectfully submitted,



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